

1) Risks of a detailed public information on the presence of precious metals or rare earth metals in products: detailed public information on the presence of precious metals or rare earth metals in a product certainly makes it a prime 'target' for theft or degradation (vending machines are placed in many public sites or sites open to the public), and for 'trafficking' (the so-called '*underground* economy') as well. For instance, the mention of the weight of precious materials in a product is likely going to draw the attention of delinquents, and to make the product a target. Such an information therefore poses a reckless danger not only to the manufacturers and importers placing on the market (the warehouses then become places of risk) and to the operators as well (the places where the machines are located in turn become places of risk) but also to the consumer himself, by extension, if we consider the information will apply to a set of everyday consumer products included in the category of "electrical and electronic equipment", whereas "vehicles" - also targeted - have already been the objective of organised theft since the presence of rhodium in catalytic converters became known (an example which should be enough to convince us of the danger involved!). Moreover, this type of information, rather than encouraging the inclusion of products in their traditional end-of-life circuit (as the Ministry for the Environment claims), will inevitably lead to "leakage" into informal economy networks, since the product in question will then be identified as potentially profitable at the time of its end-of-life: this phenomenon - already known and predictable - will harm the importers and manufacturers, contributors to the eco-organisations. Those eco-organisations are accountable to the public authorities for the good collect performance and sanction the ones placing on the market for not reaching the objective of waste collection. **The French national association therefore calls for the deletion of this useless and hazardous statement or, failing that, its reduction to general information in the form of "Contains precious metals/rare earth metals", which would neutralise the negative effects of a detail while keeping the consumer informed about the presence of these materials in the product ;**

2) Required adjustment of the regulatory framework about consumer information on the presence of "hazardous substances" in the product: the qualification of the substance as "hazardous" contrasts with the letter and the spirit of the European "REACH" regulation, which prefers the qualification of "concerning", which is more appropriate if we consider the product placed on the market is suitable for consumption. In fact, describing substances composing a product as "hazardous" simply amounts to designating it unambiguously as unfit for consumption: while the hazardous substances in the composition of certain products, such as medicines or household cleaning products, are perfectly understood and accepted, the same would obviously not be true if the "hazardousness" notion was associated with a food product. Furthermore, the designation of the Minister for Environment alone as being competent to establish a "complementary list" of "hazardous substances" - apart from the fact this new regulatory level is likely to place economic stakeholders in a situation of constant legal insecurity - does not seem relevant insofar as this subject also overlaps with the scope of the Ministries of Industry and Agriculture, which are moreover associated with a certain number of regulatory applications relating to similar subjects. **The French national association therefore requests, in accordance with European law, the reclassification of "hazardous" substances as "substances of concern". The Association also requests, in coherence with European law, that the designation of substances of "concern" continues to be integrated into a process of harmonisation between Member States and that the regulatory level, at national level, is not used to establish an *ad hoc* legal framework likely to have harmful consequences on the common market but only, if necessary, to implement the terms of application of the European regulation ;**

3) A definition is required regarding the imprecise and encompassing designation of "other parties placing on the market" which, moreover, blurs the understanding of what is a "placing on the market" in the sense in which the EU Commission understands it, i.e., the purchase commitment between the industrial and his final customer or between

the industrial and his logistics and wholesale partners. Moreover, the draft decree finally states that "consumer information obligations [...] apply to producers and importers" without referring to "other parties placing on the market". **The French national association therefore requests that the text be clarified on the point mentioned to avoid a legal "vagueness" - or even inconsistency - that could be detrimental to the economic stakeholders ;**

4) **Clarification is required regarding the calculation of "annual turnover" for the economic operators covered by the obligations listed in the text:** what is the scope to be used for this calculation? Is it the turnover of the group or of the subsidiary? What about entities belonging to a group but publishing their own balance sheet because of a particular legal status? **The Association therefore requests that the text be clarified on this point to avoid any legal pitfalls in its interpretation by economic stakeholders ;**

5) **An unsuitable implementation period, which must be extended: 18 to 24 months will certainly be necessary for the economic stakeholders to fully comply with the new obligations imposed on them, both because of the number of products concerned and the constraints inherent in each one's activity, and because of complex application methods and development of the means necessary for the implementation of the information. The Association therefore requests the obligations listed in the text come into force within a minimum period of 18 months after its publication, failing which the economic stakeholders will be placed in a situation where they will not be able to comply with their obligations due to materially and technically untenable application deadlines ;**

6) **The legal uncertainty created by the possibility of defining "additional means of display" by ministerial order: such a provision amounts to considering environmental display with major uncertainty since it may be subject to undefined application methods, in other words, not only likely to vary but also to evolve at any time, confronting the economic stakeholders with new difficulties and, consequently, preventing them from ensuring they are in compliance with the applicable legal and regulatory framework in the medium and long terms. Such a situation undoubtedly creates legal uncertainty which will weigh heavily on the activity of companies operating on the national market. The Association therefore requests that this "possibility" currently envisaged in the text to define by regulation "additional means of display" be removed to guarantee a certain legal security to the economic stakeholders affected by the obligations included in the decree, who should not be confronted with such insecurity due to a set of obligations whose implementation is certainly long and complex.**